

REMARKS

Claims 1-25 are pending in the application with claims 6, 8, 9, 11, 12, 14-18, 24 and 25 withdrawn from consideration and the remaining claims being rejected.

With this Amendment, independent claim 1 has been amended. As indicated in paragraph [0046], a separation device divides the raw water inlet into two partial flows of the filter line A and the blending line B. As described in paragraph [0061], the adjustable distribution valve, for example valve 20a in FIGS. 1a, 1b, 7, 8, 9 and 10, is separate and distinct from the separation device, for example reference no. 3 shown in the Figures. As defined in paragraphs [0016] and [0021], the pressure loss function Δp_B can be adjusted according to the pressure function Δp_A to such an extent that for different volume flows, the set blend portion remains essentially the same, particularly utilizing the distribution valve and the second filtration segment. Accordingly, no new matter has been added.

Claims 1-5, 10, 13, 19, 20 and 21-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Malsy et al., EP 1,106,578. Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Malsy et al. in view of Reid, U.S. Patent No. 5,908,553.

In order to further show that Malsy cannot anticipate the claimed invention, a translation of Malsy has been submitted in the Information Disclosure Statement transmitted herewith.

The Examiner states on page 4 of the Office Action Summary that "Applicant's argument that EP '578 to Malsy cannot be used against the instant application is not understood since the reference was published over a year prior to applicant's foreign priority date. Accordingly, the reference qualifies as prior art under 35 U.S.C. §102(b)." It is respectfully submitted that the Applicant has not stated that Malsy is not a proper reference, but have pointed out that the Malsy reference is also assigned to the Assignee of the current application as well. Therefore, the present Applicant and Assignee are very well familiar with the metes and bounds of the Malsy reference and have even acknowledged the Malsy parent application, DE 199 58 648.9, in paragraphs [0008] and [0009] of the current specification.

On page 2 of the Office Action, the Examiner states that Malsy teaches an "adjustable distribution valve 27" and "a separation device 27". The Examiner further states that Malsy is capable of functioning as recited in the claims since Malsy has the same structure as recited in the instant claims.

It is respectfully submitted that the Malsy cannot anticipate nor render obvious independent claim 1. Independent claim 1 claims both a separation device and a separate, adjustable distribution valve. For example, as indicated hereinabove, separation device 3 is shown in numerous figures and adjustable distribution valve 20a is also shown in numerous figures. Moreover, the adjustable distribution valve is specifically claimed as being part of blending line B and as illustrated, is located downstream from the separation device. Malsy cannot anticipate Applicant's adjustable distribution valve present in blending line B.

On page 4, last two lines, the Examiner states that "Malsy includes an adjustable valve for controlling the flow through the blending line 8 and is therefore capable of functioning as recited in the claim."

However, as clearly described within the translation provided, Malsy blending line 8 does not include an adjustable distribution valve for controlling the flow through blending line 8. Reference no. 16 refers to a flow meter with the arrangement illustrated, for example as described in paragraphs [0028] and [0029] of Malsy, the flow meter 17 serves to measure all water which flows through the filtration device, whereas the flow meter 16 serves to measure only the flow through channel 25, thus the flow through the main channel 26 is the difference between the flow of the return filtered water and the flow in the split-off partial stream.

Accordingly, it is respectfully submitted that Malsy teaches a different structure than as claimed in the present invention and can neither anticipate nor render obvious independent claim 1.

Moreover, a main aspect of the present invention is that both filter line A and blending line B are designed in a specific manner as claimed which is defined by two pressure loss functions. By adapting the layout of the components, i.e., as specifically claimed, the pressure loss function Δp_B can be adjusted according to the pressure loss

function Δp_A to such an extent that for different volume flows, the set blend portion remains essentially the same, as specifically set forth in independent claim 1.

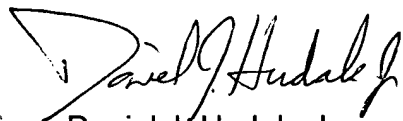
As described hereinabove, Malsy uses a structural layout that can neither anticipate Applicant's claimed structure nor adapted to meet the claimed flow characteristics and the Malsy set blend portion changes when the volume flow is changed.

It is respectfully submitted that both the structure and function of the Malsy reference have been distinguished from the instant invention.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted

HUDAK, SHUNK & FARINE CO. LPA

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", is written over the printed name.

Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/js

2020 Front St., Suite 307
Cuyahoga Falls, OH 44221
330-535-2220

Attorney Docket No.: FMW-CR-PCT-US (B-1870 US)